

EXHIBIT 2

INCORPORATED VILLAGE OF OCEAN BEACH
P.O. BOX 433
OCEAN BEACH, NEW YORK 11770
JUSTICE COURT
631-583-0104

William Wexler
Village Justice

Annie Robinson
Court Clerk

DISPOSITION OF RECORD

THE PEOPLE OF THE STATE OF NEW YORK
VS
BRYAN VAN KOOT

Docket # 05-02-003
Date of Violation 10/31/2004

Offense: NYSPL 240.26.1
HARASSMENT SECOND DEGREE

Date of Disposition OCTOBER 13, 2007

Disposition PLEAD GUILTY
PAID \$250 FINE

I hereby certify that this is a true disposition on record with the Village Justice Court of Ocean Beach

Date: JANUARY 7, 2010



Annie Robinson
Court Clerk

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DISPOSITION OF RECORD

THE PEOPLE OF THE STATE OF NEW YORK
VS
BRYAN VAN KOOT

Docket # 05-02-002
Date of Violation 10/31/2004

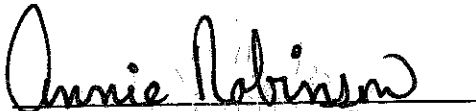
Offense: NYSPL 120.00.01
ASSAULT IN THE THIRD DEGREE

Date of Disposition OCTOBER 13, 2007

Disposition PLEAD GUILTY
PAID \$250 FINE

I hereby certify that this is a true disposition on record with the Village Justice Court of Ocean Beach

Date: JANUARY 7, 2010


Annie Robinson
Court Clerk

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Bryan Van Koot

VIOLATION

INFORMATION

COMPLAINANT Jeanne C. Jaeger OF NO. 17 Wood Ln., Smithtown, NY

BEING DULY SWORN, SAYS THAT ON 10-31-04 AT APROMX: 3:30 am

AT Housers Bar

IN THE VILLAGE OF OCEAN BEACH, TOWN OF ISLIP COUNTY OF SUFFOLK, NEW YORK, THE DEFENDANT

Bryan Van Koot D.O.B 08/03/75

ADDRESS 8 Noyes Ln., Huntington, NY 11743

INTENTIONALLY COMMITTED THE OFFENSE OF:

Harassment Second Degree

IN VIOLATION OF SECTION 240.26.1 NEW YORK STATE PENAL LAW

COUNT #1

IN THAT:

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same.

To wit:

The defendant, in Housers Bar, Ocean Beach, in Suffolk County, New York, on or about October 31, 2004, at 3:30 am, with intent to harass, annoy or alarm Jeane C. Jaeger, struck, shoved, kicked or otherwise subjected her to physical conduct; in that, the defendant did grab and place both hands around the throat of Jeanne C. Jaeger choking her and banging her off the bathroom door. This conduct did in fact annoy, harass and alarm Jeane C. Jaeger.

AD 6/18/05 -

THIS COMPLAINT IS BASED UPON (PERSONAL KNOWLEDGE) & (INFORMATION AND BELIEF), THE SOURCE BEING THE ATTACHED [SWORN DEPOSITION (S) OF Police Officer Gary Bosetti

DATED _____ { THE ATTACHED LABORATORY REPORT OF THE SUFFOLK COUNTY POLICE DEPT.

DATED _____

SWORN TO BEFORE ME 7th November 2004

[Signature]
Sergeant
TITLE

Jeanne C. Jaeger
COMPLAINANT

JUSTICE COURT
VILLAGE OF OCEAN BEACH
STATE OF NEW YORK

Case 2007-cv-01215-SJF-ETB Document 167-3 Filed 01/15/10 Page 5 of 13 PageID #: 11298

COPY

CC# 110704-01

Pocket # 05-02-002

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Bryan Van Koot

CLASS "A" MISDEMEANOR
INFORMATION

COMPLAINANT Police Officer Gary Bosetti OF NO. Bay Walk, Ocean Beach, NY 11770

BEING DULY SWORN, SAYS THAT ON 10/31/04 AT APROMX: 3:30am

AT Housers Bar

IN THE VILLAGE OF OCEAN BEACH, TOWN OF ISLIP COUNTY OF SUFFOLK, NEW YORK, THE DEFENDANT

Bryan Van Koot D.O.B 08/03/75

ADDRESS 8 Noyes Lane., Huntington, NY 11743

INTENTIONALLY COMMITTED THE OFFENSE OF:

Assault Third Degree

IN VIOLATION OF SECTION 120.00.01 NEW YORK STATE PENAL LAW

IN THAT:

COUNT #1

A person is guilty of assault in the third degree when:

1. With intent to cause physical injury to another person, he causes such injury to such person or third person.

To wit:

The Defendant, acting in concert with another person, at Housers Bar, Bay Walk, Ocean Beach, in Suffolk County, New York, on or about October 31, 2004, at 3:30 am, with intent to cause physical injury to another person, caused such injury to Police Officer Gary Bosetti; in that, defendant Bryan Van Koot grabbed Police Officer Gary Bosetti around the legs holding him while defendant Christopher Schalik kicked him in the face and hand, causing substantial pain in the nature of a sharp and persistent pain in his face, dizziness and a sprained wrist.

THIS COMPLAINT IS BASED UPON (PERSONAL KNOWLEDGE) & (INFORMATION AND BELIEF), THE SOURCE BEING THE ATTACHED [SWORN DEPOSITION (S) OF

DATED _____ { THE ATTACHED LABORATORY REPORT OF THE SUFFOLK COUNTY POLICE DEPT.

DATED _____

SWORN TO BEFORE ME 12 November 2004

[Signature]
Sergeant
TITLE

[Signature]
COMPLAINANT

VILLAGE JUSTICE COURT

INCORPORATED VILLAGE OF OCEAN BEACH

-----X

THE PEOPLE OF THE STATE OF NEW YORK

-against-

BRYAN VAN KOOT

-----X

Docket numbers: 52-02-002; 05-02-003

PO Box 433
Ocean Beach, NY 11770
June 18, 2005

B E F O R E:

Honorable John Russel,
Judge.

A P P E A R A N C E S:

For the People: Elizabeth J. Grosso, Esq.
Assistant District Attorney.

Robert Fuchs, Esq.
Village Prosecutor.

For the Defendant: Daniel J. Halloran, LLM/D
250 Mineola Boulevard
Mineola, NY 11501

Lynette Khan-Mohan
Official Court Reporter

*** *** ***

Proceedings

1 THE CLERK: Mr. Van Koot -- is he here?

2 MR. HALLORAN: Yes, Your Honor. Daniel
3 J. Halloran, 250 Mineola Boulevard Mineola, New
4 York 11501 for the defendant.

5 THE COURT: Ms. Grosso.

6 MS. GROSSO: Your Honor, I believe we
7 have a disposition.

8 THE COURT: I have been told informally
9 that there's an agreed upon disposition. I have
10 looked at the paperwork and there are two
11 charges.

12 MR. HALLORAN: That's correct, Your
13 Honor.

14 THE COURT: One moment, please. All
15 right. What's the proposed disposition?

16 MS. GROSSO: Your Honor, this is the
17 People's application. The People would move to
18 reduce and amend the count of Penal Law 120.00
19 sub 1 to read as a violation of Disorderly
20 Conduct, Penal Law 240.20 sub section 7. On a
21 plea to the charge, People recommend a fine of
22 \$250. This offer is conditioned upon a waiver of
23 sealing.

24 THE COURT: There's a surcharge of \$100
25 so you are aware of that.

Proceedings

1 MS. GROSSO: Your Honor, as to the
2 harassment count, People request that the
3 defendant plead guilty to the violation of Penal
4 Law 240.26 sub 1 with a recommended fine of \$250.

5 THE COURT: There's a recommended fine
6 of \$250 on both.

7 MS. GROSSO: Yes, Your Honor.

8 MR. HALLORAN: Yes, Your Honor. There
9 is a disposition. If it pleases the Court, we
10 would withdraw the not guilty pleas and plead
11 guilty to the reduced and amended charges of
12 disorderly conduct and harassment as outlined by
13 the People. We stand ready for sentencing and
14 waive any statutory delays in sentencing. We
15 simply request time to pay the fines.

16 THE COURT: How much time would be
17 needed?

18 THE DEFENDANT: About a week.

19 THE CLERK: He has bail of \$500.

20 MR. FUCHS: His bail was forfeited.

21 THE COURT: That's correct. He has no
22 bail.

23 MR. HALLORAN: Yes, Your Honor. We
24 understand that. We ask for 30 days to pay, Your
25 Honor.

Proceedings

1 MR. FUCHS: Your Honor, prior to
2 sentencing, People would request that the
3 defendant be sworn in and that he fully allocute
4 with regard to the facts of the incident before
5 the Court.

6 THE COURT: Please take the stand, Mr.
7 Van Koot. Remain standing and raise your right
8 hand. Do you swear to tell the truth --

9 THE DEFENDANT: Yes.

10 THE COURT: -- in your answers to any
11 questions asked of you today?

12 THE DEFENDANT: Yes.

13 THE COURT: Give your name and legal
14 address for the record.

15 THE DEFENDANT: Bryan J. Van Koot, 8
16 Noves Lane Huntington, New York 11743.

17 THE COURT: Ms. Grosso, you may
18 allocute.

19 MS. GROSSO: Mr. Van Koot, on October
20 31, 2004 at approximately 3:30 AM, were you at
21 Housers Bar in the village of Ocean Beach,
22 Suffolk County, New York?

23 THE DEFENDANT: Yes.

24 MS. GROSSO: And at that time and
25 place, did you with intent to cause public

Proceedings

1 inconvenience, annoyance or alarm act in a
2 disorderly manner with no legitimate purpose by
3 grabbing Officer Gary Bosetti by the legs and
4 holding him while another individual, Christopher
5 Schalik, kicked him? Is that true?

6 MR. HALLORAN: Yes or no?

7 THE DEFENDANT: Yes.

8 MS. GROSSO: How do you plead to the
9 violation of Penal Law 240.20, Disorderly
10 Conduct? Guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 MS. GROSSO: And on that same date, and
13 that time and place, did you with intent to
14 harass, annoy or alarm another, strike, shove,
15 kick or subject another individual to physical
16 contact by grabbing Janine Jager (phonetic)
17 around the throat and choking her? Did you do
18 that?

19 THE DEFENDANT: No.

20 MR. FUCHS: Sir, did you engage in that
21 conduct with a lady you now know to be Janine
22 Jager on that date, at that time and place as
23 described by Ms. Grosso?

24 THE DEFENDANT: Yes.

25 MR. FUCHS: And that was without her

Proceedings

1 consent?

2 THE DEFENDANT: Yes.

3 MR. FUCHS: And did you know at that
4 time it was offensive by touching her?

5 THE DEFENDANT: Yes.

6 MR. FUCHS: That's satisfactory, Your
7 Honor.

8 THE COURT: That's sufficient. Do you
9 plead guilty to the charges?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. These
12 dispositions are agreeable to the Court.

13 MR. HALLORAN: May my client step down
14 from the stand, Your Honor?

15 THE COURT: Yes, you may.

16 MR. FUCHS: Thank you, sir.

17 THE COURT: And the Court will allow
18 one month -- four weeks -- for the payment of the
19 fines.

20 MR. HALLORAN: That's fine, Your Honor.

21 THE COURT: The total is \$600. There's
22 a \$100 surcharge.

23 MR. HALLORAN: Yes.

24 THE COURT: There's just one set of
25 surcharges.

Proceedings

1 MR. HALLORAN: Your Honor, can he pay
2 by check?

3 THE COURT: Certified check, Cashier's
4 check or money order -- not by personal check.

5 And one further thing, Mr. Van Koot, as
6 to this disposition, when I came in today, I was
7 not familiar with the details of this matter at
8 all. I have heard a fair amount of this and I am
9 distressed by the behavior that you engaged in at
10 Housers Bar. I find it very offensive that
11 people would engage in this type of behavior in
12 this village and do that sort of thing. And you
13 shouldn't look away when I am talking to you
14 unless you want to be charged with contempt of
15 court and get a fine or a jail sentence. Mr. Van
16 Koot, when you come to a village that is not your
17 own, behave with the same degree of civility
18 expected to be afforded you in your own village.
19 Do not act in the manner that you did last year.
20 That's all I have to say at this time.

21 (Continued on page 8.)
22
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24
25

Proceedings

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Counsel, thanks for you
3 assistance in this matter.

4 MR. HALLORAN: You're welcome, Your
5 Honor.

6 ** ** *

7 I, Lynette Khan-Mohan, hereby certify that
8 the above is a true and accurate copy of my
9 stenographic notes.

10

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12

-----Lmsk-----

13

Lynette Khan-Mohan

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Official Court Reporter

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